

## **REMARKS**

Reconsideration of the Office action mailed on September 7, 2005 is requested in view of the foregoing amendments and the following remarks.

### **Double Patenting**

The Examiner provisionally rejected claim 1 under the judicially created doctrine of obviousness-type double patenting in light of several references. These rejections are traversed. Nevertheless, applicant has amended claim 1 to specify that the saw includes a brake mechanism "adapted to pivot into the teeth of the blade" instead of being "adapted to maintain its position adjacent the blade when the blade moves toward or away from the base." Applicant is making this amendment to more particularly point out the protection currently sought in this application. In light of this amendment, applicant asserts the double patenting rejections are moot. Applicant points out that co-pending application 09/929,241 includes claims with limitations that describe a brake pawl configured to pivot into the teeth of a blade, and that application has been allowed.

### **Claim Rejections – 35 USC 103**

Claim 1 was rejected under 35 USC 103(a) as obvious in light of Suzuki (US Patent 5,791,224) combined with Lokey (US Patent 3,785,230), Friemann (US Patent 3,858,095), or Yoneda (US Patent 4,117,752) and Tannewitz (US Patent 1,811,066). That rejection is traversed. However, claim 1 has been amended as stated, and it is believed this amendment renders the obviousness rejection moot because none of the cited references disclose a brake mechanism adapted to pivot into the teeth of a blade.

### **New Claims**

Applicant is adding new claims 11-13.

**Conclusion**

Applicant submits that all of the issues raised in the Office action mailed September 7, 2005 have been addressed and overcome, and therefore, the application should be allowed.

Respectfully submitted,

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**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date: December 7, 2005

  
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